FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE.

CRIMINAL APPLICATION NO. 304 OF 2005
IN.
CRIMINAL APPLICATION NO.2449 OF 1999
IN
CRIMINAL APPEAL NO. 332 OF 1999.

Eric Kwadwo Amoako. .. Applicant.
vs.
Narcotic Drug Control
Bureau and anr. .. Respondents.

Office Notes,Office Memoranda of Coram, appearnaces,Courts's orders or directions and Registrar's orders.	:	Court's or Judge's orders

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Ms. R.B. Amrolia for the applicant.

Shri D.N.Salvi for the Union of India.

Shri D.P. Adsule, A.P.P. for the State.

CORAM: V.M. KANADE,J.

DATED: 24.1.2005.

P.C.:

1. Heard learned Counsel for the applicant and the learned A.P.P. for the State.

2. The applicant is challenging the order passed by this Court dismissing criminal application for want of

prosecution by order dated 28.1.2000. The Division Bench had passed an order on the said date in which direction was given to the applicant to remove office objections within 2 weeks. It was further stated in the said order that if objections are not removed within 2 weeks the application shall stand dismissed for want of prosecution. It is submitted that this fact was communicated to the applicant only after applicant had approached the present advocate appearing on behalf of the applicant and enquiry was made in the office when it transpired that the said application and the appeal was dismissed on 28.1.2000. In these peculiar circumstances, in my view, this is a fit case for restoration of the appeal and the application for condonation of delay. Accordingly, Criminal Application No. 304 of 2005 is allowed. Criminal Application No. 2499 of 1999 and Criminal Appeal No. 332 of 1999 are restored to file.

3. Learned Counsel appearing for the applicant submitted that the applicant was arrested on 19.5.1995 and he will be

completing his substantive sentence in May 2005. She, therefore, submitted that the record and proceedings be called for expeditiously, so that an application can be made for fixing an early date of hearing. It is submitted that preparation of paper book may be dispensed with. In these peculiar circumstances, preparation of paper book is dispensed with. Office to inform the Registrar, Sessions Court, Mumbai, to send Record and proceedings within 4 weeks.

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